07-26-04

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EXPRESS MAIL NO. EV 182094747US				
Application No.	10/723,520			
Filing Date	November 26, 2003			
First Named Inventor	Mark R. ANDERSEN			
Examiner Name	Not yet assigned			
Group Art Unit	1637			
Confirmation No.	8934			
Attorney Docket No.	A-71902/AMP/JFB (470438-61)			

	ENCLOSURES	(ched	ck all th	at apply)		
Fee Tra	nsmittal Form		Assignment Papers (for an Application)			After Allowance Communication to Group
Fee Atta	ached		Drawing(s)			Appeal Communication to Board of Appeals and Interferences
Amendn	nent / Reply		Licensing-related Pa	pers		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Fin	nal ·		Petition			Proprietary Information
Affidavit	s/declaration(s)		Petition to Convert to Provisional Application			Status Letter
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Express	Abandonment Request		Terminal Disclaimer			Form PTO/SB/08A-B (2 pgs.); sixteen (16) references; and self-addressed stamped Postcard.
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Response to Missing Parts/ Incomplete Application		Rem	arks			
	Response to Missing Parts under 37 QFR 1.52 or 1.53					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
John F. Brady, Ph.D., F DORSEY & WHITNEY 4 Embarcadero Center San Francisco, CA 941 Telephone: 650-494-8		/ LLP r, Sui 111	LLP , Suite 3400 111		omer	Number 32940
Signature Z			Grady			
Date July 22, 2004						

#### EXPRESS MAIL NO. EV 182094747US

### **PATENT**

Attorney Docket No. A-71902/AMP/JFB

Qorsey File No. 470438-61

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

ANDERSEN et al.

U.S. Serial No.: 10/723,520

Filing Date: November 26, 2003

Confirmation No. 8934

For: Multiplex Amplification of

**Polynucleotides** 

Examiner: Not yet assigned

Art Unit:

1637

#### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A-B. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed. Copies of all other references are enclosed.

None of the foregoing references is believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a

U.S. Serial No.:

10/723,520

Filing Date:

November 26, 2003

first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 470438-00061 [A-71902/AMP/JFB]).

Please direct any calls in connection with this application to the undersigned at (650) 494-8700.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 7-27-04

BY:

Dorsey & Whitney LLP

Intellectual Property Department Four Embarcadero Center, Suite 3400

San Francisco, CA 94111-4187 Telephone: (650) 494-8700

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(650) 494-8771

Attachments:

Form PTO/SB/8A-B (2 pgs.) Sixteen (16) References

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE. Substitute for form 1449A/PTO Complete if Known (Modified) 10/723,520 Application Number FORMATION DISCLOSURE November 26, 2003 Filing Date ATEMENT BY APPLICANT Mark R. ANDERSEN First Named Inventor 1637 Art Unit (use as many sheets as necessary) Not yet assigned Examiner Name Attorney Docket Number A-71902/AMP/JFB (470438-61) 1 2 Sheet of

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear
	A1	6,207,372 B1	03-27-2001	Shuber	
	A2	6,605,451 B1	08-12-2003	Marmaro et al.	
	A3	6,618,679 B2	09-09-2003	Loehrlein et al.	
	A4	2002/0182622 A1	12-05-2002	Nakamura et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if</i> <i>known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
	B1	EP 0 364 255 A2	04-18-1990	Baylor College of Medicine		
	B2	WO 01/94634 A2	12-13-2001	Biopool International, Inc.		
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Examiner Signature	Date Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete. including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute PTO/SB/8A-B (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known Substitute for form 1449A/PTO 2 2004 Application Number 10/723,520 November 26, 2003 Filing Date FORMATION DISCLOSURE Mark R. ANDERSEN STATEMENT BY APPLICANT First Named Inventor 1637 Group Art Unit (use as many sheets as necessary) **Examiner Name** Not yet assigned 2 A-71902/AMP/JFB (470438-61) Sheet of Attorney Docket Number

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	۳
,	C1	Assays-by-Design SM Service [online], [retrieved on 2003-05-13], Retrieved from the Applied Biosystems using Internet <url: biosystems.com="" http:="" productdetail.cfm?prod_id="761." products="" www.applied="">.</url:>	
_	C2	Assays-on-Demand <sup>™</sup> Gene Expression Products [online], [retrieved on 2003-05-13, Retrieved from the Applied Biosystems using Internet <a href="http://www.applied biosystems.com/products/productdetail.cfm?prod_id=1101">http://www.applied biosystems.com/products/productdetail.cfm?prod_id=1101</a> .	
*	СЗ	Assays-on-Demand <sup>™</sup> SNP Genotyping Products [online], [retrieved on 2003-05-13], Retrieved from the Applied Biosystems using Internet <a href="http://www.applied biosystems.com/products/productdetail.cfm?prod_id=1141">http://www.applied biosystems.com/products/productdetail.cfm?prod_id=1141</a> .	
	C4	User Bulletin #2: ABI Prism 7700 Sequence Detection System. Subject: Relative Quantitation of Gene Expression, Datasheet. Applied Biosystems, 1997 (updated 10/2001).	
-	C5	CHAMBERLAIN, J.S., "Deletion screening of the Duchenne muscular dystrophy locus via multiplex DNA amplification", Nucleic Acids Research, 1988, 16(23): 11141-11156.	
	C6	DOLGANOV, G., "A Novel Method of Gene Transcript Profiling in Airway Biopsy Homogenates Reveals Increased Expression of a Na*-K*-Cl' Cotransporter (NKCC1) in Asthmatic Subjects", 2001, 11:1473-1483.	
	C7	EDWARDS, M., et al., "Multiplex PCR: Advantages, Development, and Applications", PCR Methods and Applications, Cold Spring Harbor Laboratory, 1994, pp. S65-S75.	
~	C8	EXNER, M., et al., "Sensitivity of multiplex real-time PCR reactions, using the LightCycler and the ABI PRISM 7700 Sequence Detection System, is dependent on the concentration of the DNA polymerase", <i>Mol. Cell Probes</i> , October 2002, 16:351-357.	
	С9	HENEGARIU, O., "Multiplex PCR: Critical Parameters and Step-by-Step Protocol", BioTechniques, September 1997, 23:504-511.	
	C10	JAYARAMAN, K., et al., "A PCR-Mediated Gene Synthesis Strategy Involving the Assembly of Oligonucleotides Representing Only One of the Strands", <i>BioTechniques</i> , 1992, 12(3): 392-398.	
	C11	Ll, D., et al., "Multiplex co-amplification of 24 retinoblastoma gene exons after pre-amplification by long-distance PCR", Nucleic Acids Research, 1996, 24(3): 538-539.	
	C12	PEIRSON, S.N., "Experimental validation of novel and conventional approaches to quantitative real-time PCR data analysis", Nucleic Acids Res., 2003, 31(14):e73.	
	C13	SHUBER, A., et al., "A Simplified Procedure for Developing Multiplex PCRs", Genome Research, 1995, 5: 488-493.	
į	C14	TICHOPAD, A., et al., "Standardized determination of real-time PCR efficiency from a single reaction set-up", <i>Nucleic Acids Res.</i> , 2003, 31:e122.	
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Examiner Signature	Date Considered	

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